IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.873 OF 2003
With
Civil Application No.1952 of 2003

Rambhavan Ramlakhan Verma, .. Appellant
vs
Babali Ramanlal Divan (deleted)
1/A Mrs Asha Datta Anandkar and ors .. Respondents

Mr S.U.Dhakephalkar, h/f Mr P.K.Dhakephalkar, senior cousenl, for the appellant.
Mr J.J. Xavier, for respondent no.9.
Ms A.B.Kapadia i/b M/s D.F.Diwan, for respondent no.6.

CORAM : D.B.BHOSALE,J.
DATE : 15.11.2006
PC:

1. Heard the learned counsel for the parties.

2. This appeal is directed against the judgment and order dated 5.3.2003, by which the suit filed by the appellant came to be dismissed as infructuous. In the suit, the appellant had prayed for injunction restraining all the defendants from dispossessing the appellant from the disputed premises. The suit came to be dismissed against defendant nos 1 to 8 and in view thereof, Mr Dhakephalkar, learned counsel for the appellant, submits that if the learned counsel appearing for the respondent-corporation makes a statement that they shall not dispossess the appellant without

following due process of law, he would not press the appeal. Mr Xaiver, learned counsel for the corporation, submits that the corporation shall not demolish the structure without following due process of law. His statement is accepted. In view thereof, nothing further survives in the first appeal. The first appeal along with the civil application stands disposed of.

(D.B.BHOSALE,J.)